

March 15, 2010 - Regular Town Council Meeting

At a Regular Meeting of the Town Council of the Town of Middletown, RI, held at the Middletown Town Hall on Monday, March 15, 2010 at 6:00 P.M.

Council President Christopher T. Semonelli, Presiding

Vice Chairman Richard Cambra

Councillor Frank A. Bozyan

Councillor M. Theresa Santos

Councillor Edward J. Silveira, Jr.

Councillor Barbara A. VonVillas, Members Present

Councillor Edward J. Silveira, Jr., Absent

Councillor Robert J. Sylvia

EXECUTIVE SESSION

Pursuant to provisions of RIGL, Sections 42-46-2.,42-46-4., and 42-46-5. (a) (5) land acquisition (Wave Avenue), (2) Collective Bargaining (Police, Fire, Public Works and Town Hall Unions) and (2) Litigation (Kempen vs. Town of Middletown).

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to recess this meeting at 6:01P.M. and reconvene in executive session.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to reconvene this meeting in open session at 6:45 P.M.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant the easement as drafted by the Town Engineer.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to seal the minutes of the executive session pursuant to Section 42-46-7. RIGL.

CONSENT CALENDAR

Vice Chairman Cambra requested that item #12 be heard under the Town Council portion of the docket.

- 1. Approval of Minutes – Special Meeting, March 1, 2010.**

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to approve said minutes.

2. Approval of Minutes – Regular Meeting, March 1, 2010.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to approve said minutes.

3. Communication of Attorney Robert T. Karns on behalf of Karen E. Biastre, re: Notice of claim against the Town.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication.

4. Communication of Lesley Muir, Development Associate, Norman Bird Sanctuary, re: Appreciation for waiving Special Events Permits fees.

On motion of Vice Chairman Cambra, duly seconded, it was voted

unanimously to receive said communication.

5. Communication of City Clerk, City of Newport, with enclosure, re: Requesting support in the endeavor to bring “the Cup” back home to Rhode Island.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication.

6. Communication of Town Clerk, Town of Bristol, with enclosure, re: Support of a plan to increase bridge safety Rhode Island.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication.

7. Email communication from Town Clerk, Town of Burrillville, re:

Proposed Amendments to the Madeline Walker Act - Vote and discussion of House Bill 2010 – H7276 – An Act Relating to Taxation – Tax Sales.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said email communication.

8. Email communication Town of Westerly, with enclosure, re: Resolution opposing mandatory binding arbitration.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said email communication.

9. Resolution of the Town of Foster, re: In opposition of House Bill 5931 and Senate Bill 606.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said resolution.

10. Resolution of the City of Cranston, re: Urging members of the General Assembly to enact legislation for bicyclist safety.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said resolution.

11. Memorandum of Ferenc Karoly, President, IBPO local 534, re: Pay Raise Negotiation.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

12. Memorandum of Town Administrator, with enclosure, re:

Establishment of the Library Print Special Revenue Fund and the Library Donation Special Revenue Fund.

Councillor Santos questioned the purpose of the Special Revenue Funds and the effect on the budget.

Town Administrator Shawn Brown, responding to Councillor Santos, explained that donations to the library will be placed in a special fund. The copy machine fees will also have a separate fund.

Councillor Bozyan questioned if the special revenue funds were tax exempt.

Town Administrator Shawn Brown explained that the funds are tax exempt and will allow for more efficient accountability.

Antone Vivieros, 110 Indian Hill Road, questioned the copy machine fund and if the Council would approve spending from the special revenue funds.

Town Administrator Shawn Brown noted that the copy machine fund will be used for purchase of a new machine, repairs and paper. The Council will still approve spending from the accounts.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

13. Memorandum of Acting Tax Assessor, with enclosures, re: Cancellation of taxes for certain Middletown taxpayers.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

14. Resolution of the Council, re: Cancellation of taxes for certain Middletown taxpayers.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution.

15. Applications received from the following named persons, firms and corporations for RENEWAL of Holiday Licenses for the 2010-2011 licensing year. (See Attached List)

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said license renewals.

16. Application of Frank S. Santos dba Sandy's Liquors, 717 Aquidneck Avenue, for RENEWAL of Sunday Selling License for the 2010-2011 licensing year.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said license renewal.

17. Application of Mello Construction, 87 Beacon Street, for RENEWAL of Drain Layer's License for the 2010-2011 licensing year.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said license renewal.

18. Application of Chris Fonseca, Bristol, RI for RENEWAL of Drain Layer's License for the 2010-2011 licensing year.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said license renewal.

Council President Semonelli announced to the public that on Thursday, March 18, 2010, 6:30 P.M. at the Middletown Town Hall there will be a presentation and discussion concerning Middletown's historic resources and landscapes with an emphasis on their visual dimensions and methods for analyzing how new buildings and structures can have visual impacts on historic landscapes and vistas. Presentation by Richard E. Greenwood, Ph.D., Deputy Director of the RI Historical Preservation & Heritage Commission.

TOWN COUNCIL

1. Application for Special Event Permit from Beach 5 Sand Soccer for Beach 5 Sand Soccer Tournament to be held at Second Beach on Saturday, June 12th and Sunday, June 13th, 2010, beginning at 9:00 am until 7:00 pm.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said permit.

2. Application of Beach Party Swimwear, LLC dba Beach Party Swimwear, 707 West Main Road, for a HOLIDAY LICENSE for the 2010-2011 licensing year. (NEW)

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said license.

3. Memorandum of Town Planner, with enclosures, re: FY2010 Small Cities Community Development Block Grant Application (CDBG) – Project priorities.

Town Planner Ron Wolanski addressed the Council reviewing the following memorandum entered here:

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

4. Public Hearing (Advertised)

Town of Middletown application for Small Cities Community Development Block Grant (CDBG) for certain projects, in an amount not to exceed \$400,000.

Public Hearing was declared open.

Susan Schenck, Chief Operating Officer representing East Bay Action Program, requested support for health services and the youth employment program.

Berniece Clohecy, Director of the Middletown Head Start Program, noted that the Head Start Programs service 603 people, both children and families, within the area. Ms. Clohecy requests support for renovations to the Joel Peckham School, which is where the program is located.

Arthur Benner, 3 Namquid Drive, questioned the sidewalks in the Oxbow area.

Town Planner Ronald Wolanski, responding to Mr. Benner noted the project request is for removal of asphalt sidewalks.

Jennifer Barrara, Program Manager of Lucy's Hearth, requests support for Lucy's Hearth general operating expenses to provide shelter and service programs.

Jimmy Winters, representing Community Housing Resource Board/Housing Hot Line, thanked the Council for their support and noted the organization served over five thousand people last year.

There being no other persons desiring to be heard public hearing was declared closed.

5. Resolution of the Council, re: FY2010 Small Cities Community Development Block Grant – Project priorities.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution.

6. Public Hearing (Advertised)

An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Chapter 152 Zoning Code, Article 10 – Flood Hazard Areas.

(Planning Board recommendation attached)

Public Hearing was declared open.

Town Planner Ron Wolanski addressed the Council reviewing the following memorandum entered here:

Public Hearing remains open.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said ordinance on its first reading.

7. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title VII, Traffic Code. (Speed Limit on Fenner Avenue)

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said ordinance on its first reading.

8. Discussion, re: State School Funding Formula. (Documentation to be provided)

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to allow said discussion.

Town Administrator Shawn Brown addressed the Council explaining that the Department of Education has developed a funding formula for the State. The use of the formula will negatively affect the Town over six years.

Superintendent Rosemarie Kraeger and Business Manager Raquel Pellerin reviewed a power point presentation explaining the RI Department of Education Proposed Educational Funding Formula to the Council.

9. Memorandum of Town Administrator, with enclosures, re: School District Facilities Plan.

Town Administrator Shawn Brown reviewed the following memorandum entered here:

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

Manny Mello, Beacon Terrace North, requests the Council not to adopt the School Department Facilities Plan. Mr. Mello explained that the cost of the plan is expensive and the current school facilities are fine.

Antone Viveiros, 110 Indian Hill Road, reviewed past projects of the school department and the proposed projects in the School District Facilities plan. Mr. Viveiros is opposed to the plan and requests the

Council to table it.

Town Administrator Shawn Brown noted the Council accepting the School Facilities Plan in concept will enable the School Department to receive reimbursement from the State for improvements to the schools.

10. Resolution of the Council, re: Adopting the revised 2010 Master Facility Plan, “Middletown Educational Future – A Strategy for Change” and Authorizing Town Administrator to execute said letter of intent.

Richard Barker, 25 Willow Avenue, noted that the Council and employees work very hard and is in support of planning ahead for the future. Mr. Barker explained the need to request more support from the State.

Antone Vivieros, 110 Indian Hill Road, stated he does not support the

resolution.

Councillor Santos noted she is unable to support the School Facilities Plan.

Councillor VonVillas expressed the need to support the School Facilities Plan.

On motion of Vice Chairman Cambra, duly seconded, it was voted to pass said resolution; Councillor Santos voted NO to said motion.

11. Memorandum of Town Administrator, re: Authorization to Submit Application for Drug Free Communities Grant.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

Council President Semonelli requests a five (5) minute recess.

12. Information from Town Administrator, re: “Take 10” and Help the Town of Middletown Get What it Needs for the Next 10 Years.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said information.

Town Administrator Shawn Brown reviewed the following memorandum entered here:

Antone Vivieros, 110 Indian Hill Road, noted the census only requires listing your name, address and telephone number.

13. Resolution of the Council, re: Supporting House Bill 7449 – AN ACT RELATING TO HIGHWAYS-CONSTRUCTION AND MAINTENANCE OF STATE ROADS.

On motion of Vice Chairman Cambra, duly seconded, it was voted to pass said resolution; Councillor Bozyan voted NO to said motion.

14. Communication of Vice Chairman Cambra, re: Proposal to Establish the Middletown Committee for the Arts.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

Vice Chairman Cambra reviewed his memo entered here:

Randall Rosenbaum, Executive Director Rhode Island Council of the Arts, noted his support to establish the committee and offered his assistance.

Mr. Rosenbaum explained there are many artists in the area that would be interested in participating in an arts committee and festival.

Councillor Santos explained that the Middletown Historical Society hosts a gathering at Paradise Park with music and other activities free to the public.

Rosemarie Kraeger, Superintendent of Schools, expressed her support for the formation of this committee.

On the motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to establish a one year Middletown Arts Committee to study promoting arts and establish a Middletown Arts Festival with a provision of committee recommendation the Council may consider establishing a permanent committee; and further, to review the possibility of establishing art districts within the Town.

On the motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to appoint 5 to 11 members to the Middletown Arts Committee, one seat for a non-voting member for a “student in Art or Government”, one seat reserved for the Schools Fine Art Department, one or more seats for Council Liaisons and direct the Town Clerk to advertise for ten (10) members of the community.

15. Communication of Eric Godin, Athletic Director, Middletown High School, re: Request for support by placing an ad in the 2010 Spring Sports Program.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication and approve a ¼ page ad (cost \$195.) in the Souvenir Booklet to be appropriated from the Council President’s discretionary fund.

16. Memorandum of Vice Chairman Cambra, re: Request for support

by sponsoring a table for the Annual Military Appreciation Night (Navy League) at the Atlantic Beach Club.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum and sponsor a 1/2 table (cost \$200.) for the Annual Military Appreciation Night (Navy League) at the Atlantic Beach Club to be appropriated from the Council President's discretionary fund.

Vice Chairman Cambra noted that the purchase of the half table is a donation. If a Councillor is planning to attend, they must purchase a ticket on their own.

PUBLIC FORUM SESSION

Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than

five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.

No one addressed the Council during session.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to adjourn this meeting at 9:15 P.M.

Wendy J.W. Marshall, CMC

Council Clerk

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